

STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

HON. M. T. THOMPSON, JR.
Judge, 70th District Court
111 S. Michigan Ave.
Saginaw, MI 48602

FORMAL COMPLAINT NO. 72

**DECISION AND RECOMMENDATION
FOR ORDER OF DISCIPLINE**

(Concurring in Part/Dissenting in Part)

At a session of the Michigan Judicial Tenure
Commission held on May 10, 2004, at
which the following Commissioners were

PRESENT: James Mick Middaugh, Chairperson
Hon. Barry M. Grant, Vice Chairperson
Richard Simonson, Secretary
Henry Baskin, Esq.
Carole L. Chiamp, Esq.
Hon. James C. Kingsley
Hon. Kathleen J. McCann
Hon. Jeanne Stempien
Hon. Michael J. Talbot

We concur in the findings of misconduct in the majority opinion. However, the undersigned are concerned about the assessment of costs absent a specific court rule or statute that authorizes costs. When subchapter 9.200 of the Michigan Court Rules entitled “Judicial Tenure Commission” was amended effective January 21, 2003, the Michigan Supreme Court chose not to include any special rules or procedures for the recovery of costs and/or expenses in Judicial Tenure Commission proceedings.

The Michigan Supreme Court has done so on a few occasions. *In re Somers*, 384 Mich 320 (1971), the Court ordered a public censure and \$1000 costs as partial reimbursement for the cost of the proceedings payable to the Clerk of the Court. Recently the Supreme Court in *In re Trudel*, 465 Mich 1314; 638 NW2d 405 (2003), ordered costs to the Judicial Tenure Commission.

Neither the Commission nor the Michigan Supreme Court has stated the rationale for assessing costs against a judge. If there is to be an additional sanction imposed in the nature of actual costs, the Commission should be guided by an additional standard not previously articulated, which preserves uniformity and fairness in all cases before the Commission. Are costs to be sought routinely in all cases (as they have not in the past), or only in cases of egregious conduct?

The undersigned are not convinced that the conduct in the instant case requires the additional monetary sanctions beyond the financial hardship imposed by a suspension without pay.

/s/
Carole Chiamp, Esq.

/s/
Hon. Kathleen J. McCann

/s/
Hon. Jeanne Stempien